

Hisba, Arts and Craft in Islam

Bearbeitet von
Ahmad Ghabin

1. Auflage 2009. Taschenbuch. CCLXXXVII. Paperback
ISBN 978 3 447 05932 9
Format (B x L): 17 x 24 cm

[Weitere Fachgebiete > Geschichte > außereuropäische Länder und Regionen > Naher
& Mittlerer Osten](#)

Zu [Inhaltsverzeichnis](#)

schnell und portofrei erhältlich bei


DIE FACHBUCHHANDLUNG

Die Online-Fachbuchhandlung beck-shop.de ist spezialisiert auf Fachbücher, insbesondere Recht, Steuern und Wirtschaft. Im Sortiment finden Sie alle Medien (Bücher, Zeitschriften, CDs, eBooks, etc.) aller Verlage. Ergänzt wird das Programm durch Services wie Neuerscheinungsdienst oder Zusammenstellungen von Büchern zu Sonderpreisen. Der Shop führt mehr als 8 Millionen Produkte.

Ahmad Ghabin

Ḥisba, Arts and Craft in Islam

2009

Harrassowitz Verlag · Wiesbaden

ISSN 1864-8002
ISBN 978-3-447-05932-9

Contents

Preface and Acknowledgements.....	9
Introduction	11
Part One – Historical Survey	15
Chapter 1 – Some <i>Jāhili</i> origins of <i>Ḥisba</i>	17
Chapter 2 – Market Inspection in Early Islam	31
Chapter 3 – <i>Ḥisba</i> : History of the Institution.....	40
a) From the Rāshidūn to the Umayyads	40
b) Abbāsīd <i>Ḥisba</i>	44
c) Faṭimid <i>Ḥisba</i>	62
d) Ayyubid <i>Ḥisba</i>	70
e) Maghribi and Andalusian <i>Ḥisba</i>	77
f) Mamluk <i>Ḥisba</i>	96
Part Two – <i>Ḥisba</i> , Arts and Crafts in the Muslim Sources: An Overall Review..	119
Introduction.....	121
Chapter 4 – The Qurʾān.....	124
Chapter 5 – The <i>Ḥadīth</i> literature	133
Chapter 6 – <i>Fiqh</i> literature	143
Chapter 7 – Religio-Political and Philosophical literature.....	149
Chapter 8 – <i>Ḥisba</i> literature	155
a) Theoretical Literature.....	155
b) The Professional Literature – the Manuals	161
Chapter 9 – The role of the <i>ʿarīf</i>	176
Chapter 10 – <i>Ḥisba</i> and the <i>Khaṣṣa</i> class	182
Part Three – Examples of <i>Ḥisba</i> Practices in Arts and Crafts	189
Chapter 11 – Arts and Crafts in the Manuals of <i>Ḥisba</i>	191
a) Architecture.....	195
b) Figurative Arts	208
c) Textile Arts	216
d) Potters and Porcelain makers	245
e) Glassmakers	249
f) Metalwork.....	252
Concluding Remarks.....	259
References	263

Preface and Acknowledgements

The research presented in this book originated from my interest in the interrelations between the caliphal institutions and the artistic activities of the Muslims. Part of this interest came to light through my article in Arabic “*al-ḥisba wa-ʿAlāqatahā bil-Funūn al-Islāmiyya*”.¹ Scholars of Islamic art, I believe, have been more concerned with investigating the arts of the Muslim courts and tracing their external origins and less concerned with studying the popular arts and their Islamic origins. A similar trend exists in the study of the *ḥisba* institution. Here, the scholastic debate was mainly focused on the pre-Islamic Hellenistic, Roman, Byzantine, Persian, Rabbinic or other sources, and less attention, if at all, was paid to *Jāhili* traditions and even to the need to institutionalize the religious, moral and secular needs of the new religious entity.

After completing my doctoral thesis on the religious and social aspects of crafts and artisans in Islam,² I began collecting all possible data concerning *ḥisba* and arts in the Islamic sources with the intention of examining some of the internal factors and needs that could affect artistic activity in the Muslim society. I thought at first that *ḥisba* material should be sought mainly in what researchers called ‘*ḥisba* manuals’, but soon I realized that a good deal of the related material exists in numerous and diverse religious and historical sources.

Given this state of affairs, I decided to examine, on the one hand, the possible Arab and Islamic origins of *ḥisba* and its institutionalization process in the administrative system throughout the main Muslim caliphates and, on the other hand, the possible impacts of this institution on the artistic performance of Muslim society.

The geographical and chronological boundaries of this work are broad and well defined but they do not constitute a separate goal in themselves. In fact, my intention is to view the main objects of the research, *ḥisba* and arts, through an Islamic prism without being confined to any specific geographic or chronological order. Therefore, in some periods such as the Mamluk and in some places such as Iran, I was content with what could be called ‘representative examples’ of information. At all events, the chronological framework extends from pre-Islamic *Jāhiliyya* to the end of the Mamluk Sultanate (1517), while the geographical one includes Arabia, Syria, Iraq, Iran, Egypt, North Africa and Muslim Spain.

I have divided this book into two parts. Part one constitutes an attempt to give a comprehensive survey of the institution of *ḥisba* from its rise to its decline under the Mamluks. In the first chapter, I surveyed and evaluated some possible *Jāhili* roots for

1 Published in *Jerusalem Studies in Arabic and Islam*, 24 (2000): 396–445.

2 Ghabin, *Crafts and Artisans*, pp. 145–167.

ḥisba practice. In the second, I looked for *ḥisba* indications in the conduct of Muḥammad and his four successor caliphs. In the third, I referred to the religious foundations of *ḥisba*, mainly to those in the Qurʾān and the *ḥadith* literature. In the fourth chapter of this first part I followed the making and development of the institution through various Islamic dynasties and periods.

Part two is made up of eight chapters. In the first one, as background material, I presented an overall view of the Islamic attitude towards craft occupations. The second and third chapters are dedicated to the interrelation between *ʿāmil al-sūq* and *ḥisba* and between arts in general. The last five chapters are dedicated to the fields of art that have a direct or indirect connection with *ḥisba*: architecture, figurative arts, textiles, pottery and metalwork. The choice of arts was based on finding mention of or reference to them in *ḥisba* manuals and other literature.

To conclude, I am aware of the extensive use of footnotes throughout the entire book. I believe, however, that in a book of this kind one cannot avoid referring to all the available relevant sources and clarifying all the numerous expressions and contexts involved in the research. In addition to fulfilling the need for scientific documentation, I hope, by these means, to have been of some assistance to Islamic specialists and students in their search for further knowledge.

I am indebted to many people who willingly offered me their help and advices. The main spiritual and financial support in carrying out this research I received venerably from the Al-Qasemi Academy in Baqa al-Gharbiyya, where I work as teacher of Islamic Civilization. Thanks to Dr. M. Issawi, the president of the al-Qasemi Academy, and to the head of the research center Dr. Jamal Abu Husayn and his successor Dr. Nabil Suʿda at al-Qasemi that granted me adequate financial support that enabled the successful pursuance of this research project. I am grateful to him and to the supporters of al-Qasemi Academy.

I am very grateful to my good friend Professor Reuven Amitai of the Hebrew University of Jerusalem, with whom I used to consult frequently. Special thanks are given to my dear teacher, Professor Myriam Rosen-Ayalon, also of the Hebrew University who was for me a source of support and encouragement during my M.A. and Ph.D. studies in the Hebrew University. I owe a great debt to Professor George Qanazi of Haifa University, under whose guidance I carried my post-Doctorate research at the University of Haifa and greatly profited from his advice in publishing this book.

My wife, Fatma was and still is an endless source of support. She, in addition to her role in guarding the whole family, created around me the best conditions for the pursuance of this research.

A. Ghabin
Turʾan, June 2008

Introduction

Al-Māwardī opened his methodical chapter on *ḥisba* with “it commands doing good when it is neglected and forbids wrongdoing when it is clearly done”, all in accordance with God’s saying (Q3:104) “Let there become of you a community that shall call for all that is good, enjoining what is right and forbidding what is wrong.” Nevertheless, as ‘a political scientist’, Al-Māwardī immediately confined his theory to a religious office that should exist in every Islamic regime.¹ Unlike him, the great apologetic theologian and mystic, Abū Ḥāmid al-Ghazālī described *ḥisba* in theoretical and comprehensive terms as being a religious and moral obligation to be performed by every Muslim. For him *ḥisba* is an all-inclusive expression of *al-amr bil-ma’rūf wal-nahy ‘an al-munkar*, which is the great axis of religion (*al-quṭb al-a’zam fī al-dīn*).² In effect, they presented us with two different meanings of *ḥisba*. Al-Ghazālī used *ḥisba* in its broad sense as the religious principle set by God that obligates all, rulers as well as individuals. What al-Māwardī meant by *ḥisba* was the official supervision to be exercised by a state official, the *muḥtasib*, over the markets and the religious, moral and social affairs in the Islamic city.³ However, we may point out that there is a large consensus among the sources on interpreting *ḥisba* in its two meanings primarily as a religious duty derived directly from the repeated call of the Qur’ān to all Muslims to enjoin what is right and forbid what is wrong: legalists and authors of *ḥisba* manuals used to base their views on *ḥisba* on the verses of *al-amr bil-ma’rūf*.⁴ They all saw *ḥisba* as a religious duty or, as the Fatimids classified it, *khidma dīniyya* (a religious service)⁵ while Ibn al-Ukhuwwa called it *min qawā’id al-umūr al-dīniyya*, (*ḥisba* is one of the foundations of religious affairs).⁶ Ibn Khaldūn expressed it more clearly by declaring that *ḥisba* is a *wazīfa dīniyya*, a religious post to which the Muslim ruler must appoint an appropriate official, the *muḥtasib*.⁷

1 Māwardī, *al-Aḥkām al-Sulṭāniyyah*, pp. 240–259.

2 Ghazālī, *Iḥyā’*, 2:306, 312.

3 These two meanings are expressed also by Buckley, in his introduction to the translation of Shayzarī’s *Nihāyat al-Rutba fī Ṭalab al-Ḥisba*, called *The Book of the Islamic Market Inspector*, Oxford University Press 1999, p. 1.

4 Such as Q3: 104, 110, 114, 7: 157, 9:67, 71, 22: 41, 31: 17. See for example Ghazālī, *Iḥyā’*, 2: 306–357. He considered *ḥisba* as a part of the larger issue of *al-amr bil-ma’rūf wal-nahy ‘an al-munkar*. See also Māwardī, *al-Aḥkām al-Sulṭāniyyah*, pp. 240–259; Saqāfī, pp. 1–3; Ibn al-Ukhuwwa, pp. 7–14; Ibn Taymiyya, pp. 11–19; Nuwayrī, 6: 291–315.

5 Maqrīzī, *al-Khiṭaṭ*, 1: 463–464, quoted Ibn al-Ṭuwayr.

6 Ibn al-Ukhuwwa, p. 6.

7 Ibn Khaldūn, pp. 225–226.

In the eyes of almost all Muslim theologians, *ḥisba* is a *fiqh* (juristic) subject and the *muḥtasib* should be a Muslim who is well acquainted with *aḥkām al-sharīʿa*.⁸ Consequently, in most cases his appointment was directly to be done by the judicial authority represented by the great *qāḍī* called in the Abbasid regime *qāḍī al-quḍāt*, but always with the authorization of the caliph.⁹ Therefore, the theological views on *ḥisba*, such as those of al-Māwardī, were the model upon which the manuals were composed.

Our main objective in this research is twofold: to reveal the real nature of the institution of *ḥisba* and to look for any relationship between its activity and the development of arts and crafts in Islam. Historically and geographically our research will not be confined to any specific period or place in Medieval Islam.

Thus, in Islamic reality, the *muḥtasib* was entrusted with the mission of *ḥisba* and became an urban magistrate granted the authority to control the daily affairs of the city and to settle any religious and secular issues that arose. He urged the people to perform their ritual prayers at the right times, looked after the maintenance of the mosques, cared for the removal of health hazards, controlled moral behavior in public places and inspected commercial and manufacturing activity in the *sūq*.

Many modern scholars accepted the 'classical statement' set by Gaudefroy-Demombynes and others, defining the function of the *muḥtasib* in Islam as the direct successor to that of the Greco-Byzantine *agoranomos*.¹⁰ Changes in this theory began to appear with the impressive article by B. Foster in which he refuted any possible connection between the Byzantine *agoranomos* and the Islamic *muḥtasib*.¹¹ Some scholars suggested other Greek, Roman and even Rabbinic offices as possible origins of *ḥisba*, such as Eastern or Semitic versions of the *agoranomos*, the *astynomos* and the Jewish *hashban*, *ba'al hashūq* and *rav hashūq*.¹² G. Vercellin showed that there were many officials of the Byzantine world who could be sug-

8 This point will be discussed latter. For now see Māwardī, *al-Aḥkām al-Suṭṭāniyyah*, pp. 420–421; Shayzarī, p. 6; 'Uqbānī, p. 7.

9 Qalqashandī *Ṣubḥ*, 10:273–284 related that the Abbasid caliph al-Mustarshid (6th/12th cent.) authorized his new *qāḍī al-quḍāt* Abū al-Qāsim bin al-Ḥusayn al-Zaynabī (d. 543/1148) to appoint an appropriate *muḥtasib*.

10 The first to reach this conclusion was Gaudefroy-Demombynes in his works, such as "Un magistrat" pp. 33–40; and in his *Muslim Institutions*, pp. 154–157. He was followed by others: Shacht, first in his critic to E. Tyan's *Histoire*, pp. 515–518, and he asserted it again in his legal work: *An Introduction to Islamic Law*, pp. 51–52 saying: "The Abbasids while maintaining his functions, superficially Islamicized this office". A very enthusiastic supporter of the Greco-Byzantine origin of *ḥisba* is Floor, pp. 53–74. There he refuted one by one the contentions of B. Foster (see next note) and reassured the pre-Islamic Byzantine origin of *ḥisba*. See also Cahen and Talbi, s.v. "Hisba" *ET*, 3: 485–489.

11 Foster, pp. 128–144.

12 For the various suggested origins of *ḥisba* see: Crone, *Roman Provincial*, appendix *muḥtasib*, pp. 107–108; Glick, "Muḥtasib and Mustasaf," pp. 59–64; Sperber, pp. 227–243.

gested as precedents of Islamic *ḥisba*, such as *aedile*, *logistes*, *eirenarch*, *astynomas*, *eprax*, *censor* and *episcopos*.¹³

Ḥisba in the Arabic Lexicography. *Ḥisba*, *iḥtisāb* and *muḥtasib* all are derivations of the infinitive *ḥ-s-b*. The lexicons contain numerous meanings and uses of the term and its derivations. Two principal meanings of the verb *ḥasaba* appear in the lexicons: to calculate and to suffice, while the verb *iḥtasaba* has additional meanings: to seek reward (*ajr*), to calculate and to suffice. However, most of the lexicons gave a third meaning: *tadbīr* (management) from which came the use of *muḥtasib al-balad*, the one who effectively managed the affairs of a city.¹⁴ Al-Zabīdī, unlike the others, suggested that *muḥtasib al-balad* was the one who disapproved of the wrongdoing of the people in his town.¹⁵ It should be noted here that none of the lexicons gives a full and direct definition of *ḥisba* in its institutional sense. Such a definition was made, to the best of my knowledge, only by a late Hindi author of *ḥisba*, ‘Umar bin Muhammad al-Sunāmī (7th–8th/13th–14th cent.). After explaining the lexical meanings of *ḥ-s-b*, he suggested two possible origins of the institutional idea of *ḥisba*: either *ḥisba* derived from *iḥtisāb*, meaning commanding right and forbidding wrong in order to be rewarded by God; or, *ḥisba* derived from *iḥtasaba* ‘alayhi, meaning disapproving of wrongdoing. He also added *ḥisba* as *tadbīr* (management), meaning the especially good performance of the *shar‘a* laws which best served the interests of the Muslim community.¹⁶

The real vocation of institutional *ḥisba*, I believe, combined religious, moral, public and administrative elements. This office entailed the duty of inspecting the performance of *shar‘a* laws in the daily life of the Islamic community.¹⁷ As such, it involved every act done for God and, in consequence, it was said that *qadā’* was one field of (*al-amr bil-ma‘rūf wal-nahy ‘an al-munkar*), e. i. *iḥtisāb*.¹⁸

13 See Vercellin, pp. 67–96.

14 These meanings are traceable in the various lexicons according to the root *ḥ-s-b*. For example see Farāhīdī, 3:148–150; Ibn Manẓūr, *Lisān*, 1:310–317; Fyrūzabādī, 1:56–57; Fayyūmī, pp. 134–135; Zamakhsharī, *Asās al-Balāgha*, 1:172; Ibn Sīda, *al-Muḥkam*, 3:151–152; Zubaydī, 1:418–423. Most of these meanings were adopted also by modern lexicons; see *Muḥjam*, 1:171–172. See also Ma‘tūq, pp. 27–29.

15 Zubaydī, 1, p. 423.

16 Al-Sunāmī, pp. 81–84, see also the study and English translation of this treatise by Izzi Dien, M., *The Theory and the Practice of Market Law in Medieval Islam, a Study of Kitāb Niṣāb al-Iḥtisāb*, E.J.W. Gibb Memorial Trust, 1997.

17 See al-‘Arīnī, “al-Ḥisba wal-Muḥtasibūn,” p. 157.

18 Māwardī, *Adab al-Qāḍī*, 1:135; Al-Sunāmī, pp. 83–84.